

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CL

BAUSCH HEALTH IRELAND LIMITED
and SALIX PHARMACEUTICALS, INC.,

Plaintiffs,

v.

AUROBINDO PHARMA LIMITED;
AUROBINDO PHARMA USA INC.;
and AURO PEPTIDES LTD.,

Defendants.

Civil Action No. 23-00170 (SRC) (JSA)

Document Electronically Filed

STIPULATED CONSENT JUDGMENT AND INJUNCTION

Whereas, Plaintiffs Bausch Health Ireland Limited and Salix Pharmaceuticals, Inc., (collectively, “Plaintiffs”), and Defendants Aurobindo Pharma Limited, Aurobindo Pharma USA Inc., and Auro Peptides Ltd. (collectively “Defendants”), have agreed to the terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Confidential Settlement and License Agreement (the “Settlement Agreement”),

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, through their undersigned counsel of record, that:

1. The Complaint and all remaining claims, counterclaims, or affirmative defenses in the above action are dismissed without prejudice and without costs, disbursements, or attorney fees.

2. This Court will retain jurisdiction to enforce this Stipulated Consent Judgment and Injunction and the parties’ related agreements resolving this matter including for the purpose of entering a separate consent judgment of noninfringement requested by Aurobindo in accordance with section 4.03 of the Settlement Agreement.

3. Plaintiffs acknowledge that Defendants are entitled to maintain their Paragraph IV certification to U.S. Patent Nos. 7,041,786, 9,610,321, 9,616,097, 9,919,024, 9,925,231, 10,011,637, 11,142,549, and 11,319,346 pursuant to 21 C.F.R. § 314.94(a)(12)(v).

4. Each Party acknowledges and agrees that the 30-month stay with respect to the approval of the Aurobindo ANDA under 21 U.S.C. § 355(j)(5)(B)(iii) is hereby terminated.

STIPULATED AND AGREED TO this 16th day of October 2023 by:

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SO ORDERED this 30th day of October 2023.

s/ Stanley R. Chesler

Hon. Stanley R. Chesler, U.S.D.J.